

Drainage Board met in their regular meeting place in the Rush County courthouse on November 7, 2011 at 10:30 a.m. with the following present: Marvin L. Cole, T.H. Barnes, Ken Masters, members; Leigh Morning, Drainage Board attorney; Marvin L. Rees, Surveyor; Michele Gordon, secretary.

Minutes of the previous meeting were approved and signed by motion of Barnes, with a 2<sup>nd</sup> by Masters.

#### JOHN O HILL TILE – HEARING

There were no interested parties present. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to set the maintenance assessments at \$2.00 per acre. Motion carried and the Final Order was signed.

#### GEORGE SEELY NORTH TILE – HEARING

There were no interested parties present. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to set the maintenance assessments at \$1.00 per acre. Motion carried and the Final Order was signed.

#### ALBERT (IRA) SOMMERVILLE TILE – HEARING

Mr. Weiler was present. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to set the maintenance assessments at \$2.50 per acre. Motion carried and the Final Order was signed.

#### STEWART/HOLLOWAY TILE – HEARING

Steve & Adam Schwering, Mr. Workman and Mrs. Disney were present. Mr. Workman stated that he feels the tile in Mays does not benefit him at all. Mrs. Disney said that recent repairs did help her flooding issues but she admits that she still has problems. The Surveyor stated that the tile is undersized and would benefit from a reconstruction once there was a proper outlet for the tile. This tile outlets into the Samuel Cohee Open Drain and the proposed reconstruction of this drain has been halted due to a pending lawsuit. A motion was made by Masters, with a 2<sup>nd</sup> by Barnes, to raise the current maintenance assessment to \$5.00 per acre and \$30.00 per lot. Motion carried and the Final Order was signed.

#### WM TOMES TILE – HEARING

There were no interested parties present. The Surveyor stated that Mr. Fogg has asked to be removed from this watershed because his acres are not drained by this tile. The Surveyor showed the Board a map which clearly indicated those acres do not belong in the watershed. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to set the maintenance assessments at \$5.00 an acre and remove Mr. Fogg's three acres from the watershed. Motion carried and the Final Order was signed.

A motion was then made by Barnes, with a 2<sup>nd</sup> by Masters, to close the hearings.

#### PARK RESTAURANT

Ron Wilson and the Mayor were present stating that they would like to proceed with the construction of a new community center in the location where the partially constructed Park Restaurant is located. The Board stated that they would like to see the engineering plans for this proposed establishment in order for them to determine whether or not there will be proper drainage. At that time the Board could issue a drainage permit if all requirements are met which would then allow the City to obtain a building permit so they could proceed with their project.

A motion was then made by Barnes, with a 2<sup>nd</sup> by Masters, to recess in order to hold a Mud Creek Open Drainage Board meeting. Motion carried.

Meeting reconvened immediately following the Mud Creek Open Drainage Board meeting.

#### WILLIAMSTOWN

A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to sign the certificate of assessments for \$22.00 an acre with a \$36.50 minimum. Motion carried.

#### JOHN GAHIMER TILE

A landowner has tiled land into this watershed without permission and the Surveyor asked the Board what action should be taken concerning this issue. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to send a letter explaining that the landowner will now be assessed for the acres that have been tiled into this watershed. The Board did not recommend a fine. Motion carried.

RICHARD PHILLIPS TILE

The Surveyor asked the Board what decision they had made concerning the complaints that have been received from Mr. & Mrs. Powell. The Surveyor stated that he had spoken to the contractor and they had agreed to replace the sycamore tree. A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, asking the Surveyor to send a letter to the landowners explaining:

- 1. the contractor will provide a sycamore tree
- 2. the Board will provide 2 walnut trees
- 3. the landowner will be responsible for planting the trees outside of the 75 ft right-of-way
- 4. the landowner will be required to sign a release of liability

Motion carried.

WM T MOORE TILE

The Surveyor informed the Board that to date a total of \$91,078.24 has been collected from the landowners for the upcoming reconstruction project.

EVA FRAZEE TILE

A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to sign a resolution for obtaining a loan for the approved reconstruction project. Motion carried.

LUCINDA HARCOURT DRAIN

A motion was made by Barnes, with a 2<sup>nd</sup> by Masters, to sign a resolution for obtaining a loan for the approved reconstruction project. Motion carried.

SAMUEL COHEE OPEN DRAIN

Ken Masters asked the Board attorney what the status was on this drain. She stated that venue has been changed to Hancock County and she is waiting for it to be processed and the specific court in Hancock County to be selected.

BLOUNT- FLETCHER TILE

The Surveyor reminded the Board that bids will be taken again for the proposed reconstruction of this drain. He also stated for the benefit of the landowners who were present that if the bids received this time were still above his estimate the whole reconstruction process will have to be dismissed and started over again.

There being no further business to come before the Board a motion to adjourn was made by Barnes, with a 2<sup>nd</sup> by Masters. Motion carried.

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Marvin L. Cole

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T.H. Barnes

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Ken Masters